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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 DENNIS FLORER,

12 Plaintiff,

13 v.

14 KENNEY, L.L. FIGUEROA, et al.,,

15 Defendants.

CASE NO. C11-5047 RJB

ORDER ADOPTING REPORT AND  
RECOMMENDATION GRANTING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

16 This matter comes before the Court on the Report and Recommendation of the Honorable  
17 Karen L. Strombom, United States Magistrate Judge, dated January 12, 2012 (Dkt. 108), and  
18 Plaintiff's Objections to the Report and Recommendation, dated January 21, 2012 (Dkt. 110).  
19 The Court has considered the Report and Recommendation, Plaintiff's objections, and the  
20 remaining record, and hereby adopts the Amended Report and Recommendation for the reasons  
21 stated herein.

22 Plaintiff's civil rights complaint contends that the Defendants have all denied him  
23 adequate medical care and were deliberately indifferent to his medical needs in violation of his

1 Eighth Amendment rights. Dkt. 5. The Magistrate Judge recommends that Defendants' motion  
2 for summary judgment be granted and that Plaintiff's claims be dismissed with prejudice. Dkt.  
3 108. Plaintiff does not make specific objections to the Report and Recommendation, but simply  
4 refers the Court to Plaintiff's Response to Defendants' motion for summary judgment. Dkt. 110.

5 The Court is not persuaded by Plaintiff's arguments. As detailed in the Report and  
6 Recommendation, Plaintiff has failed to raise a question of fact relating to the deliberate  
7 indifference of any of the Defendants. It is undisputed that Plaintiff was provided treatment at  
8 every facility where he was housed, and he received treatment every time he requested it. While  
9 Plaintiff may be dissatisfied with the refusal to order an MRI, he has failed to submit any  
10 evidence that the decisions made by Defendants were medically unsound, let alone a  
11 manifestation of deliberate indifference to his medical needs. Differences in judgment between  
12 an inmate and prison medical personnel regarding appropriate medical diagnosis and treatment  
13 are not enough to establish a deliberate indifference claim. See *Sanchez v. Vild*, 891 F.2d 240,  
14 242 (9th Cir. 1989); *Broughton v. Cutter Lab.*, 622 F.2d 458, 460 (9th Cir. 1980). The  
15 Defendants have established that they are entitled to summary judgment dismissal of Plaintiff's  
16 claims.

17 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen  
18 L. Strombom, objections to the Report and Recommendation, and the remaining record, does  
19 hereby find and **ORDER**:

20 (1) The Court adopts the Report and Recommendation.

21 (2) Defendants' Motion for Summary Judgment (ECF No. 77) is **GRANTED**;

22 (3) Plaintiff's claims are **Dismissed with Prejudice**.

(4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants and to the Hon. Karen L. Strombom.

Dated this 13th day of February, 2012.

A handwritten signature in black ink, reading "Robert J. Bryan", written over a horizontal line.

ROBERT J. BRYAN  
United States District Judge